

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No. 1:13-CV-897-CCE (LPA)

JAMES DILLON, on Behalf of Himself
and All Others Similarly Situated,

Plaintiff,

vs.

BMO HARRIS BANK, N.A., FOUR
OAKS BANK & TRUST, a North
Carolina-Chartered Bank, GENERATIONS
FEDERAL CREDIT UNION, and BAY
CITIES BANK, a Florida State-Chartered
Bank,

Defendants.

Judge Catherine C. Eagles

**DEFENDANT BMO HARRIS
BANK, N.A.'S REQUEST FOR
JUDICIAL NOTICE**

Pursuant to Federal Rule of Evidence 201 and the reasons set forth in the accompanying brief, defendant BMO Harris Bank, N.A. ("BMO Harris") respectfully requests that the Court take judicial notice of the following:

- (i) the filing of the declaration of Max J. Dubin in an action in the U.S. District Court for the Southern District of New York, which includes as Exhibit 4 a Great Plains loan agreement with an arbitration provision on pages 6-9; and
- (ii) the fact that that arbitration provision is identical to the ones in the December 10, 2012 and August 17, 2013 loan agreements between Dillon and Great Plains that BMO Harris has submitted in this case. Doc. 104-1 at

5-7 (arbitration provision in December 2012 agreement); Doc. 151-1 at 5-7
(arbitration provision in August 17, 2013 agreement).

A true and correct copy of Mr. Dubin's declaration and its Exhibit 4 are attached
as Exhibit A to the declaration of Kevin Ranlett filed with this request for judicial notice.

Dated: January 20, 2016

Respectfully submitted by,

By: /s/ Kevin Ranlett

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Bank, N.A.*

CERTIFICATE OF SERVICE

I certify that on this 20th Day of January, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of the filing to the attorneys on that system.

By: /s/ Kevin Ranlett

Kevin Ranlett